

REMARKS

Claims 1-49 are all the claims pending in the application.

Applicants thank the Examiner for considering the references cited with the Information Disclosure Statement filed on November 1, 2007.

Allowable Subject Matter

Applicants thank the Examiner for indicating claims 5-8, 9/5, 11/5-21/5, 30-39 and 40/30-49/30 are allowed. Additionally, Applicants thank the Examiner for indicating that claims 11/1, 13/1-16/1, 23/22, 25/22, 26/22, 28/22, 42/22 and 44/22 would be allowed if rewritten in independent form. However, Applicants hold such rewriting in abeyance at this time, instead choosing to traverse the prior art rejections as set forth below.

Claim Rejections - 35 U.S.C. § 102(b)

Claim 1 is rejected under § 102(b) as being anticipated by Ikehara (US 6,400,353).

Applicants traverse this rejection as follows.

Claim 1 recites, *inter alia*, an elastic sheet having an outside surface disposed on an inside surface of said cabinet including said opening and across said opening;

a sliding key that is fixed on the outside surface of said elastic sheet with at least a portion in said opening of said cabinet surface.

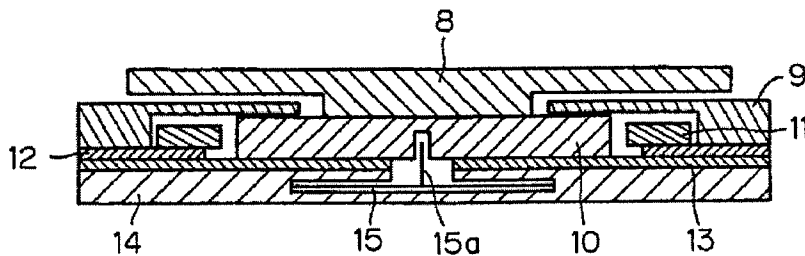
Applicants submit Ikehara fails to disclose either (1) “an elastic sheet having an outside surface disposed in an inside surface of said cabinet” or (2) “a sliding key that is fixed on the outside surface of said elastic sheet with at least a portion in said opening of said cabinet surface,” as recited in claim 1.

First, regarding the elastic sheet feature, the Examiner contends that Ikehara’s elastic member 15 corresponds to the recited elastic sheet. Applicants respectfully disagree. First, Ikehara expressly discloses that elastic member 15 may be a flat volute spring. (*See* FIG. 4). That is the only elastic member 15 disclosed by Ikehara. Further, this volute spring depicted in FIG. 4 bears no relation to an elastic sheet, but rather, as depicted and described, it resembles a coiled wire. Moreover, Ikehara fails to disclose any other device, aside from the volute spring, that may function as the elastic member 15. Consequently, submit Ikehara fails to disclose an elastic sheet as recited in claim 1.

Second, regarding the sliding key, the Examiner alleges Ikehara’s coupling pin 15a is part of the sliding key. As a basis for this position, the Examiner alleges: (1) the coupling pin is moveable in a horizontal direction; and (2) the courts have held that integrating a plurality of separated parts into a single part is generally recognized as being within the level or ordinary skill in the art. (*Office Action*, pp. 2-3; *citing* Larson, 144 USPQ 347, 349 (CCPA 1965). However, Applicants respectfully disagree because: (1) whether or not the coupling pin 15a is horizontally movable is not relevant to whether it is part of the sliding key; and (2) Larson fails to support the Examiner’s position.

The Examiner seems to contend that because the horizontal pin 15a is horizontally movable, it is part of the sliding key. However, with reference to FIG. 3 reproduced below, Ikehara clearly discloses that the operation electrode 10 and the coupling pin 15a are detached. While pin 15a may contact the operation electrode 10 when the operating portion 8 is moved to the left or right, there is no support in Ikehara that these portions are attached. Thus, Applicants

FIG.3



submit coupling pin 15a is not part of the sliding key.

However, the Examiner alleges the coupling pin 15a is part of the operation electrode 10 because it may move horizontally. Regarding this point, Applicants submit the Examiner's contention that two separate pieces may move in the same direction fails to provide a basis for the Examiner's allegation that they are part of the same piece.

Further, the Examiner attempts to compensate for this deficiency by citing Larson, contending it would be obvious to make separate parts a single part. As an initial point, Applicants note that because this is an anticipation rejection under 35 U.S.C. § 102(b), the use and reliance on an alleged obvious modification is improper. But Applicants also note that

Larson fails to support the Examiner's position. Specifically, in Larson, the court held that a claim reciting "a brake drum integral with said clamping means" was not patentable over Tuttle et al. (US 2,974,970), which disclosed brake discs provided on a sleeve attached to a casing clamp. (*Larson*, 144 USPQ at 349.). These components were rigidly secured together. The premise of the courts holding was that the term "integral" did not distinguish over Tuttle, which showed a disc rigidly secured to the clamping means. Thus, the court held that a one piece construction would be an obvious design choice over a structure composed of constituent parts rigidly secured together. (*Id.*). In this way, Larson only stands for the proposition that if parts are already rigidly secured it is an obvious design choice to make them into a one piece construction.

Because Ikehara discloses a distinct separation between coupling pin 15a and the operation electrode 10, even under an obviousness rejection, Larson would fail to support the Examiner's purported modification of making integral, separate parts. Rather, Larson only supports making integral, parts that are disclosed as being rigidly secured. Therefore, Applicants submit that because coupling pin 15a is not a part of Ikehara's operation electrode 10 and operating portion 8, Ikehara fails to disclose that operation electrode 10 and operating portion 8 are fixed to elastic member 15.

In conclusion, Applicants submit Ikehara fails to disclose an elastic sheet or a sliding key fixed to an elastic sheet for the reasons set forth above.

Thus, Applicants submit claim 1 is allowable for at least those reasons set forth above.

Claim Rejection - 35 U.S.C. § 103(a)

Claim 12/1, 19/1 and 21/1 stand rejected under §103(a) as being unpatentable over Ikehara.

In response to this rejection, Applicants submit that because the Examiner's purported modifications of Ikehara in view of alleged obvious design choices fail to compensate for the above noted deficiencies of Ikehara as applied to claim 1 above, claims 12/1, 19/1 and 21/1 are submitted to be allowable, at least by virtue of their dependencies.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 9/1, 10/9/1, 18/1, 20/1, 22, 24, 27, 29, 40/22, 41/40/22, 43/22 and 45/22-49/22 stand rejected under § 103(a) as being unpatentable over Ikehara in view of Takatsuka (US 2004/0080491).

In response to this rejection, Applicants submit that because Takatsuka, either taken alone or in combination with Ikehara, fails to compensate for the above noted deficiencies of Ikehara as applied to claim 1, claims 9/1, 10/9/1, 18/1 and 20/1 are allowable, at least by virtue of their dependency.

Regarding independent claim 22, the Examiner references Ikehara as disclosing the recited "elastic sheet having an outside surface disposed in an inside surface of said cabinet" and "a sliding key that is fixed on the outside surface of said elastic sheet." More specifically, the Examiner cross references the application of Ikehara to claim 1 (as described above) to support this position. However, Applicants submit that Ikehara fails to disclose these features for the

same reasons set forth above with regard to claim 1. Moreover, Applicants submit that because Takatsuka, either taken alone or in combination with Ikehara, fails to compensate for these deficiencies of Ikehara, claim 22 is allowable because the Takatsuka / Ikehara combination fails to disclose either the “elastic sheet having an outside surface disposed in an inside surface of said cabinet” or the “sliding key that is fixed on the outside surface of said elastic sheet,” as recited in claim 22. Furthermore, Applicants submit claims 24, 27, 29, 40/22, 41/40/22, 43/22 and 45/22-49/22 are allowable, at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: February 27, 2008